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U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 23, 2003

Opposition No. 91119053

STARDUST DIAMOND CORP.

v.

SPACE RESEARCH CORPORATION

Frances S. Wolfson, Interlocutory Attorney:

On October 28, 2002, opposer filed a response to the Board's September 30, 2002 order to opposer to show cause why judgment should not be entered against it for its failure to prosecute this case. Opposer states that it never received the Board's order dated March 15, 2001, which reset trial dates herein. Opposer further asserts that its search of the Office's trademark electronic search system revealed that applicant's mark was abandoned. Opposer moves the Board for an order discharging the show cause order and resetting trial dates in this case.

Opposer's motion is uncontested. When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. See 37 CFR §2.127(a), and TBMP §502.03. In view thereof, opposer's motion is granted as conceded and the Board's September 30, 2002 order to show cause is hereby discharged.

CONFIDENTIAL

Applicant's application is restored to pending status. Trial dates, including the close of discovery, are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **September 1, 2003**

30-day testimony period for party in the position of plaintiff to close: **November 30, 2003**

30-day testimony period for party in the position of the defendant to close: **January 29, 2004**

15-day rebuttal period for party in the position of the plaintiff to close: **March 14, 2004**

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **thirty days** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3513**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300**

AN EQUAL OPPORTUNITY EMPLOYER

91119053

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